

Summary Minutes
NEW MEXICO RESOURCE ADVISORY COUNCIL
November 12-14, 2003
Santa Fe

RAC Members Present:

Crestina Trujillo Armstrong
James Bailey
Michael Chirigos
Michael Eisenfeld
John Hand
Meade Kemrer
Raye Miller
Robert Moquino
Anthony Popp
Gretchen Sammis
Joe Stell
Don Tripp

RAC Members Absent:

Max Cordova

Designated Federal Official:

Linda Rundell

Chairperson:

Sally Rodgers

BLM Staff:

Bob Alexander, NMSO
John Bailey, Taos FO
John Bruin, NMSO
Ron Dunton, NMSO
Joel Farrell, Farmington FO
Joyce Fierro, NMSO
Theresa Herrera, NMSO
Jonathan Hertz, Socorro FO
Jesse Juen, NMSO
Amy Lueders, Las Cruces FO
Ed Roberson, Roswell FO
Ed Singleton, Albuquerque FO
John Spain, Roswell FO
Hans Stuart, NMSO
Leslie Theiss, Carlsbad FO

NOVEMBER 12

**ORIENTATION FOR NEW RAC MEMBERS
FIELD TRIP**

The Taos Field Office hosted the field trip. RAC members in attendance were Tony Popp, Meade Kemrer, Mickey Chirigos, John Hand, Crestina Trujillo-Armstrong, Joe Stell, Jim Bailey, Raye Miller, Bob MoQuino, Michael Eisenfeld and Don Tripp. BLM representatives in attendance were Linda Rundell, Theresa Herrera, John Bailey, Tami Torres, Paul Williams and Dennis Byrd from Medford, OR. Sally Rodgers, State Designated Official also attended.

The field trip included a tour of access issues in Cerrillos Hills and La Cienega ACEC.

PUBLIC COMMENT PERIOD

Tony opened the Public Comment Period at 6:15 p.m. Members of the RAC introduced themselves.

Bob MacPherson, Santa Fe

Dr. MacPherson, retired physicist representing NM Wildlife Federation and the conservation community, said he looks forward to bringing issues to this committee in the future. Raye invited him to consider applying to become a member of the RAC.

No other members of the public were present, so the RAC entered discussion.

Raye volunteered to reconvene the Energy Committee and research suggested topics, but would also be willing to join other active committees. Tony and Linda will develop a theme for the next RAC meeting, which should provide guidance for committee work. Issues affecting rangelands need addressing. The Urban Interface and Range Committees overlap, but all issues overlap. Committees are

formed as felt necessary by the RAC as a whole. New members will indicate new interests. The RAC needs to discuss issues as a group. Subcommittees' purpose is to make contacts, do groundwork, gather information from BLM and other sources and bring that information to the whole group so it can be further considered. It is a strength to have active subcommittees working between RAC meetings.

Raye asked whether the Socorro RMP is finished, whether the FO is still working with a broad group including the County Commission, and how it is going. Jonathan Hertz said it was bumpy initially but is going well. The Zuni Tribe and Catron County are involved. There is greater coordination, and more entities are participating. Once roles were figured out, things ran smoothly. For example, Catron County first thought it could send 10 people, and now sends two with expertise in socioeconomic issues. (The MOU provides that some input or service be brought into the process.)

Raye asked whether other members of the public were involved in the alternative RMP development process, e.g., OHV groups. No, but their input is being provided elsewhere. The RAC recommendations on changes in the planning process were incorporated in a document that went out of the state office to FOs the first week in November. Las Cruces will next undertake the RMP process.

In association with RMPs, Jim Bailey requested that the RAC look at GAP analysis on ecosystem and vegetation types that are rare and need special consideration. GAP (the term for finding gaps in ecosystem protection) is a cooperative wildlife research approach looking at major vegetation types and the levels of protection afforded them, e.g., how much old growth pine forest is protected? It might be interesting to have a RAC update on the GAP analysis. Statistics on certain animal populations are out of date. Will we get new numbers or a re-analysis? Amy said there are more specifics and updated soil mapping.

Suggested sites for the next RAC meeting are Carlsbad and Las Cruces. Field trips suggested were to see sand dune lizards, O&G sites, brush control including tebuthiuron, salt cedar removal, a potash mine, and WIPP. Soil and Water Conservation Districts would be good sources of information. BLM has been collaborating with them. Carlsbad FO has two areas for consideration as prairie chicken habitat.

Tony closed the public comment period at 7 p.m.

NOVEMBER 13 RAC MEETING

CALL TO ORDER, OPENING STATEMENTS & CHECK-IN FROM RAC MEMBERS

Tony called the meeting to order at 8:10 a.m. Designated federal official Ed Roberson welcomed new members of the RAC. Field managers and their representatives were introduced. RAC members introduced themselves and made opening remarks. Meade commented that there are cultural issues in the Roswell area that he'd like to have considered. Mike asked FOs to address in their presentations how they're approaching the cumulative effects of development.

APPROVAL OF RAC MINUTES FROM FARMINGTON, SEPTEMBER 10-12, 2003 (Attachment 1)

There was a correction. On Friday morning, Tony opened the meeting and not Crestina.

Motion

John moved to approve the minutes with the change. Meade seconded. Approved by consensus.

APPROVAL OF AGENDA (Attachment 2)

Motion

Don moved and Crestina seconded to approve the agenda contingent on arrival of speakers. At 2 p.m. members planned to talk about the public comment period and field trip. Approved by consensus.

ACCESS ISSUES

Field Managers

Access was discussed at the last RAC meeting, information was gathered, and FOs were asked to provide specifics. The RAC saw an example of access issues on the field trip.

Linda Rundell said there are many reasons it is difficult to reach public lands and there are no simple answers. In one resource area there was concerted effort in the 1950s and 60s to permit ranchers to locate fences and gates to block access, and access has been troublesome since that time. In other areas, county commissions sympathetic to rural interests have vacated county roads. BLM tries to work with landowners and counties for amicable solutions, which may include purchasing easements, but treats legal action as a last resort.

The RAC needs to explore what the problems are, look at decisions about altering ownership, and work with leaders of groups using the land. Access is denied for both legitimate and illegitimate purposes, and the number of law enforcement officials is limited. All FOs have issues in common.

Taos FO

The Taos area is distinctive because communities are embedded in public lands and the FO sometimes needs to work with three entities on a single issue. A resident's county transfer station may be 10 miles away, while the one half a mile away is not available to him.

In the Santa Fe area, a bloody issue concerns Buckman Mesa—a wild, beautiful and undeveloped area north of town bordering the Rio Grande. Owners of two sections of land want to develop and are demanding legal right-of-way. Opponents include owners of a \$12 million home that don't want their view altered. Right-of-way will bring irrevocable decisions affecting the whole block of land. BLM could buy the two sections indicated for potential development but might have to designate an ACEC, and would face heated controversy.

Those sections would qualify as ACEC because of both significant resources and significant conflict. ACECs are also designated for serious health issues. Locals are petitioning based on health issues, but BLM won't purchase land for that reason. Joe said last year the NM Legislature passed a bill concerning transfer of development rights that gives municipalities and counties the right to plan where they want development. That happened only eight months ago so has not been applied broadly yet.

Jim said Rio Arriba County is very aware of that and proactive about the future. Santa Fe County has open space funds and may be interested in buying some Buckman Mesa land. Where will the water supply come from if that land is developed?

It was thought that 5-10 acre lots would be developed, primarily as an extension of the exclusive subdivision called Las Campanas. It seems to be a county issue that BLM is being used to leverage. Many questions arise about how the land would be used and managed if taken over by BLM. There is a proposal for a water diversion into the Santa Fe municipal system. Santa Fe County Commissioners worked for years on a master plan that included their vision for how BLM lands would be used. The FO will work with that commission and the city planning department on its RMP. The county is divided into neighborhood associations. Taos Commissioners have abandoned support for neighborhood associations, but some have become nonprofit organizations and BLM thinks there's good opportunity for collaboration.

Las Campanas wants to assure that access is not through its community. Is any BLM land denied access by private roads or gated areas? Are they of major size or importance? People have been going through two ranches to get to Buckman Mesa public land. West of the Rio Grande, the north unit has blocks of land where roads are closed, but there are ways to get in. BLM is working on access easements. One opportunity is to upgrade an old dirt trail. The area is mostly in good shape now. The fear is that as Taos continues to develop, BLM might lose opportunity to avoid potential blocks. There

still are numerous small blocks of inaccessible public land, especially east of the mountains. Size doesn't matter if someone wants to hunt there. But access issues take BLM time and staff.

Joe said in the Carlsbad resource area there are numerous natural caves, in particular Mudgett Cave, of historical significance as a source of bat guano. It is located about 400 feet above the canyon with access about a mile across private land. It was heavily vandalized and BLM didn't have manpower to patrol it. Joe talked with BLM and put a gate up on land he then owned to deter vandalism. That makes it tough for those with legitimate reasons.

Linda said there are many good reasons to deny access, for example, archaeological areas and threatened cactus species. She hopes the RAC can look at access through a different lens and envision alternatives. She reiterated that BLM lacks time and resources to provide access for every small area.

Albuquerque FO (Attachment 3)

An acute Albuquerque issue for many years is County Road 103 that ties the Datil Pietown road to I-40. This year a private landowner locked it at both ends. An elderly couple was stopped by the gate, sought a way around, got their car stuck and died. The landowner won't even talk about it. BLM worked with Cibola and Catron counties and the Acoma tribe, and this week all agreed that it is public access. BLM is issuing a letter to the landowner blocking access, and if he is noncompliant, will ask the Cibola County Sheriff to cut the locks and take legal proceedings. There are dozens of complaints as hunting season opens. Ed Singleton's solution is to work directly with county commissioners to ascertain legal standing and come to an amicable solution.

Las Cruces FO

There are a growing number of access issues. The FO is putting together a summary of what's blocked and possible solutions—in order to prioritize. LCFO is working with the NM State Land Office on alternate routes to a large block of land around Cook's Peak in Luna County that BLM would maintain. NMG&F is involved because the area is important for hunting. Different counties have different approaches. People also want access to a ghost town in that area. A petition with 1,000 signatures was presented to the county commission, which voted 2:1 not to take on that issue.

Tony said he asked FOs for an inventory of problems and alternatives so the RAC can further discuss access and come up with recommendations. His subcommittee would like to see further details before the next RAC meeting. GIS maps will be provided for the next RAC meeting.

Socorro FO

Socorro FO has 19 controversial long-term access points, particularly in hunting season—associated with high value of elk permits. The FO is working on a land exchange with the Adobe Ranch—where there was armed conflict at one time. Their agreement allows access to 50-60,000 acres of BLM land only accessible that way. It's so complicated that when it went to the Department of the Interior Board of Land Appeals even they were confused. Jon believes that BLM would prevail if it goes to hearing.

In many cases there is too much access, e.g., on 300,000 acres of WSAs. The RMP will identify status of routes and let the public know what can and can't be used. The Continental Divide Trail goes through BLM land, with a 40-mile section on private and state lands. The FO is working with the Trail Alliance to identify good routes and acquire them. It will be difficult. Counties can close roads at any time. Catron County recently passed a resolution making closure to certain uses easier on what they call restricted county roads, with a condensed process voted on by 2/3 of the commission. Access to 90-95% of all BLM land depends on county roads, so it is good to include plans for purchasing easements in RMPs. Closed roads can be accessed for administrative purposes, emergency vehicles and "locals." But determination of "locals" is inconsistent, and we don't know who patrols. Jon knew of two roads where

the policy has been applied since it was approved in 2001. BLM is involved, but the public lands affected are primarily USFS. Easements are not cheap—appraisal, survey, title search, cultural resource surveys, etc. There is provision in the NM Constitution for limiting access that Joe thought the county had adopted word-for-word.

Roswell FO

Ed Roberson said there are scattered and isolated parcels in the northern part of RFO territory that he recommended selling. Instead of spending time and money for a 40-acre parcel surrounded by private land, BLM could acquire access in other places. The FO has negotiated agreements with a landowner to access Crocket's Cave and Tourgash Cave. Permitted individuals are allowed through, so access is controlled. West of Socorro, oryx hunts made things go crazy. The FO worked with all involved to keep the road open. NMG&F changed its process so BLM will know when hunters are coming in. Places in SW Lincoln County have access only through Otero County private roads that are blocked. There may be areas RAC can identify where legal steps can be taken. Tony hopes the inventory will show large blocked areas with similarities that BLM can take to court, win and set precedent.

In SE Lincoln County, the FO has worked for years with a landowner now willing to trade land. O&G operators were reminded that the land use plan of 1997 says they're limited to existing roads and trails. They discuss access at a weekly O&G permitting meeting. The FO would like to have a strategy for access. They are looking again at too-much access in prairie chicken habitat. The FO could work with NMG&F to change its proclamation, and modify the hunt or OHV use. In the Fort Stanton area on October 27 there was a Federal Register notice that the FO was closing some roads, rehabilitating areas and improving signage. They are actively involved in the Public Land Advisory Committee and with county decisions about roads. Another issue is ranch hands harassing lawful users. A ranch hand for a prominent landowner harassed rock collectors and tried to drive them off the road. BLM gave him a ticket and brought in a ranch representative to assure that it won't happen again. A rancher shot over the head of a man doing road maintenance. Ed sent him a letter saying his grazing permit could be canceled if that kind of behavior continued.

Farmington FO

There is a USFS/BLM issue with an owner blocking a road to hunters in order to promote private elk permits. Another issue is closing roads to protect game herds, which causes difficulties especially in winter and with water trucks. Gates are left open, locks are cut, etc. Do citizens encounter locked gates? Agencies limit access to big game herds, so hunters have to walk in. Have there been difficulties with proliferation of pipeline right-of-way? The FO tries to keep them off the roads. There's commitment at the company level but we have to educate hands working on the wells. Necessity for education and signage is ongoing.

Carlsbad FO (Attachment 4)

Leslie distributed a map and a list of areas with access issues. Hunting issues, especially in the boot heel of Chaves County, result in complaints and confusion. Most are due to locked gates blocking access to isolated parcels. Too much access is also problematic. County road closures have an effect. The FO needs to work more closely with county officials. It would probably be helpful to trade small parcels in the boot heel. Ed Roberson said some land exchanges exacerbate issues. For example, BLM bought land from a private owner and denied access that was traditionally used by hunters. Protestors made public comment at a RAC meeting. Ed Singleton said many people assume that they can automatically gain access without fees.

Joe asked whether a mammoth tusk discovered a couple of years ago is on BLM land. Yes. BLM also oversees a historic bison kill area, and restricts access to protect those places. Tony said this

discussion began with denied access to a large block of public land. Now it's clear that there are other important considerations. His subcommittee will work to provide a draft for discussion by the RAC.

Sally provided information about the recent Drought Summit she attended. She encouraged RAC members to review the proceedings, available from the State Engineer's website, www.seo.state.nm.us. A Drought Task Force is bringing together information, e.g., how long the drought is expected to last, how global warming is progressing, and what to expect for the future. The summit's value will be in disseminating information through as many organizations and individuals as possible.

LAND DISPOSAL (Attachment 5)

John Bruin, BLM Lead Realty Specialist

Land disposal in the past was BLM's main emphasis, but with FLPMA that policy changed. When the original RMPs were done, BLM identified for disposal 800,000 acres of the 13.5 million acres it manages.

Types of Disposal

- Sales
 - Modified competitive—existing grazing use, or adjoining landowner may meet the high bid
 - Direct—lands are completely surrounded by private land under one owner with no public access
 - Competitive—all other situations
- Land exchanges (used heavily in past)
- R&PP Act
- Congressional Acts
- Minor Acts (Color of Title, etc.)

Some of the lands initially identified are no longer appropriate for disposal. BLM looks more specifically now at potential uses, claims, etc. Cost to prepare for exchanges is significant, usually exceeding land value. For all sales, land is appraised by the Department of the Interior (DOI)—which provides the entry bid unless a sale is direct. The DOI took over appraisals from all its agencies because of the potential for conflict of interest.

Land exchanges are used more often than sales with state and local government agencies. More trades would probably be facilitated if those agencies had a source of funding. The person developing the transaction must show the BLM FO or director how this transaction benefits public interest. Sometimes that is clear, but BLM is looking more closely where it is not clear. There are criteria.

Land exchanges are done primarily with the state, pueblos, large ranches, etc., because they are costly and take time. Exchanges must be in the public interest and must receive Washington Office approval at two points in the process—in the feasibility stage and when a decision is made. Typically the process takes 1-2 years.

The R&PP Act allows state and local governments and nonprofits to acquire lands for public purposes by lease with an option to purchase. Conveyance may be free or at reduced cost, but includes a reversionary clause—which means they can't sell it without BLM approval.

As part of the Valles Caldera Preservation Act in 2000, the Federal Land Transaction Facilitation Act (FLTFA) provided a mechanism for BLM to retain competitive and direct land sales receipts and land exchange equalization payments. Those receipts can be used for acquiring inholdings and lands with exceptional resources.

Catches include that it applies to land-use plans in effect on or before July 25, 2000, and authority expires in 2010. BLM is hopeful that those dates will be changed. Typically land exchange costs are shared 50/50, but FLTFA allows covering the cost of some sales by trading other lands. There is potential for abuse. Nationally, about 3.3 million acres are available for sale/disposal under FLTFA.

In some RMPs, there is allowance for changing disposal by exchange to sale or retention, but existing land use plans cannot be altered for that purpose. Acquisition involves:

- Inholdings and lands with exceptional resources
- Willing seller basis
- Eligible agencies including NPS, USFS, USF&W and BLM
- Federal agencies that have a national MOU in place

National MOU funding gives New Mexico 5%, and 95% goes into an agency account. BLM receives 20% or less to process additional disposals. Agency acquisition allocations are:

- | | | | |
|--------|-----|-------|-----|
| ▪ BLM | 60% | ▪ F&W | 10% |
| ▪ USFS | 20% | ▪ NPS | 10% |

BLM is working to create a process to shift that division. NM BLM has an administrative account of \$42,000, and available land acquisition funds of \$289,000—that stay until actually spent. Initial request for projects is expected around the end of this fiscal year with first purchase in 2005.

Question/Answer/Comment

- Mike asked for an update on the Ojito area. NM House and Senate bills included designation of what was recommended as suitable for a Wilderness Study Area, and provisions of sale to Zia Pueblo at a discounted rate with protective covenants. BLM has engaged with the US Congressional Delegation but the bill is still working its way through. There is concern that the public has not seen a map of proposed land uses. The change from past proposals is that Zia Pueblo would have to purchase the land. Covenants include limited public access. Hunting is not specifically addressed. The Bill is available online at www.thomas.gov, type in Zia. There is a two-year time frame to promulgate regulations for public use. If the results are not agreed upon, sale of the land will not be consummated.
- Raye asked how many small tracts can be dispensed with. They are often isolated and require funds and manpower for administration. Land managers need to look at present v. future value of disposal. Maybe future legislation could streamline the process for small parcels. BLM embarked on a program of Asset Management in the 1980s to dispose of small isolated parcels, but found there wasn't much interest in purchasing them because ranchers were using them anyway.
- As an example of this issue, the field trip to 828 showed an area rich in cultural resources that the public cannot get to. BLM might like to dispose of that to an organization that would manage it in the public interest.
- Does the RAC lobby the Congressional Delegation? Not directly, but it can suggest legislation to the BLM state or Washington offices.
- BLM can still sell property if an RMP allows for that, but there would be no funding for preparatory costs, and funds gained would go back into the treasury.
- Cultural resource studies are an expense for BLM, but a potential buyer can pay for them and be credited in the actual sale. Beyond archaeological surveys, mitigation has to be addressed. A competitive land sale south of Las Cruces will involve significant cost to mitigate cultural resources, which was also true recently in Socorro. Mitigating cultural resources includes developing a data recovery plan that is approved by all concerned, followed by fieldwork, analysis and reporting. This goes through a state review. Socorro spent \$250,000 mitigating 18 acres.

HEALTHY FOREST INITIATIVE

Ron Dunton, BLM Deputy State Director, Division of Resources

NM BLM is in the conceptual stage of a statewide plan in response to the massive pinon die-off. In 2003 the NM Legislature passed an Act directing the Division of Energy, Minerals and Natural

Resources to develop a watershed plan. It was turned over to the Forestry Division under Butch Blazer, former Director of Natural Resources for the Mescalero Apache Reservation—considered by some experts to be the best-managed forest in the Southwest. Butch went to federal agencies, BIA and the pueblos to get buy-in for a statewide forestry team composed of academics, tribes, state, federal, private, and local entities. It is unique that a state rather than a federal agency will lead this team.

Aspects of the plan:

- Promote improved forest woodland health in NM through use of available resources, in conjunction with the goals of the Western Governor's Association, which primarily works with wildland/urban interface.
- Identify prioritization of forest treatments on a watershed level. Ruidoso is top priority in NM and among the top 10 priorities in the nation.
- Identify areas of collaboration between agencies and private owners—addressing NM's mixed ownership pattern.
- Leverage funding by working together.
- Identify barriers to implementing projects, including biomass utilization, public education, cultural clearances, areas where fire can't be used, or the expense of mechanical thinning.
- Base the plan on a complete landscape analysis with information from all involved.
- Categorize statewide conditions and risk.
- Coordinate between agencies to avoid duplicating and match projects.
- Identify gaps and which agency is best to step in.
- Stop projects where it makes sense because of the watershed, not property lines.

Question/Answer/Comment

- The issue of watershed/forest health is massive, and not something a single agency can address. We need to see where it's best to join with others, and where best to work alone. Need to streamline.
- Look at other sources of funding. Aggressive time frame—completed by end of December 2004 to be presented to the Legislature. Dates have been set for public meetings.
- Forestry groups say bark beetles are now getting into Ponderosa Pine. AZ has seen massive loss. The recent Drought Summit addressed that—access information on the website mentioned above.
- The RAC discussed pinon loss and past efforts at watershed levels. Healthy Forest Initiative funding is not yet detailed. There were significant add-ons in response to CA fires. It will be beneficial in seeking support for large projects. Current funding is not nearly enough for the level of the problem.
- Since this involves federal funds but applies to other than federal lands, NEPA will be involved. In the Farmington/Cortez area junipers are being affected by drought. Some were concerned that juniper will expand to fill the pinon niche. Historical photos show NNM as open grassland. The eventual goal is grassland restoration. Pinon have moved back and forth across the landscape, and massive die-offs have occurred, but there was much more grassland in past. We can't predict because we don't know what condition the soil is in. Drought Summit proceedings provide further information.
- We don't know yet whether this team will address reseedling. Grasses and shrubs are coming up in Los Alamos burned areas without reseedling.
- Tony asked that the RAC be kept updated.
- At this time the Highway Department is not part of the team. Forest-product mulch is being used alongside highways instead of straw.

OIL & GAS RECLAMATION STANDARDS

Joel Farrell, Farmington FO Assistant Field Manager for Resources

As mentioned previously, communication is key and sometimes communication doesn't get through to field level. So FFO put together a slide show for service companies and operators on reclamation how-tos. Mike had asked how FOs dealt with cumulative development, and the basis for analysis is the RMP. FFO is experimenting with GIS on well pads where there's conflict, and mapping and looking at watersheds. The challenge is getting staff trained to use GIS properly.

Besides the wells themselves there are miles of roads and pipeline right-of-ways, and drought means those areas aren't rehabilitating as well as they should. FFO is getting 100% compliance on new locations with about 500 permits per year that will go up to 600-800 this year because of infill drilling on the Fruitland Formation. Compliance calls for a day a person. FFO is focusing on new wells but also working with older wells, mainly keeping facilities in shape, e.g., fencing so cows can't get in. It is making progress but with wells that have been there since the 1950s, there is a backlog that will take considerable time for the four-person team assigned to compliance on new, old, and abandoned wells.

The ultimate goal is good ground cover. There is wildlife, and reseeded pipeline right-of-way is often a forage base for cattle. Another concept to develop with the Rancher/Industry BLM User Committee is that a well pad is about an acre. Ranchers have been patient for years while sloppy things were going on in the basin. The FO is concentrating on having companies reseed unused areas around well pads, which works until the well is reopened.

BLM has been active in permitting, and compliance hasn't been strong, but there's significant emphasis now on ensuring that wells are rehabbed properly. It's harder to get compliance on 30-40 year old wells. Linda's working on *Legacy of the Land* to deal with that through partnership. The seed mix used is favored by the ranching community. BLM is partnering with NMSU and industry on test plots. They spread seed along contours to address erosion. Sometimes those doing the work have to be physically shown how to rehabilitate properly. If not done properly, BLM asks them to do it again.

Question/Answer/Comment

- A whole array of people are subcontracting for reseeding, including some ranchers. BLM could concentrate on teaching best practices to subcontractors. Generally when a pad is reclaimed, BLM is on hand. Tony suggested making it worthwhile for service contractors to specialize in reseeding. It's taken time for the industry to adjust to this change, but the right techniques are catching on. BLM will recognize operators and service companies who've done an outstanding job in reclamation at an O&G conference in NW NM in the spring.
- Are people looking at soil restoration? Not yet, just concentrating on ground cover.
- How do you come up with 1.5 acres per well pad? Mike said most of the well pads he sees are 330' x 400', or 3.03 acres, with a temporary construction zone of 50' around the perimeter. What records are there of successful revegetation of those temporary construction zones? Joel has a mandate to come up with a plan for tracking compliance success by January 1. BLM does not currently have a record of success rates. Mike's experience is that about 3 acres per well remains dormant or is unsuccessfully revegetated.
- Jim said in the SE too, pads, roads and associated structures cover more than 1.5 acres. Joel said that acreage is what BLM has analyzed for the past 20 years without information to do differently.
- Size depends on depth of drilling. Using pads for multiple units and targets may mean larger size. Roswell FO uses 2.5 acres as an average.

Joel said FFO uses signage to keep people off seeded areas, with mixed success. The industry, NMSU and FFO are experimenting with produced water to reclaim pads. Level of salts can range from

2,500 to 20,000, but, unofficially, up to 8,000-10,000 TDS water can be used to establish a seedbed on location.

Raye said Don Tripp told him that the NM Legislature is going to have to look at this because ownership of that water may be an issue. FFO is also using produced water for road development. TDS of the Pecos River is 14,000 naturally. So why can't water produced in oil fields that's less than 10,000 TDS have the hydrocarbon component removed and be dumped into the Pecos? Others think that water should be cleaned up to $\leq 5,000$ prior to use.

Joel showed an area that's been reseeded and is being irrigated. Some perennial grasses are coming up. Some areas are caged and some uncaged to see whether reseeded areas are being grazed. NMSU mixes corn with seed to get it to come out of the hoppers properly, and the corn sometimes comes up and creates—like tumbleweed—a mini-environment that collects moisture and creates a seedbed. Raye came from a ranching background and tried out watered and non-watered plots. When rain came and the unwatered plot caught up, it was stronger. So irrigation is good if those areas come up with healthy grass for positive benefit long-term.

Joel showed a site the RAC visited on its last FFO field trip where there was mulch and seed came up after the rain. There are successes where conditions are right.

The seed mixture is partially native and there are different mixes for areas of less or more rain, and wildlife. Ranchers don't like sagebrush but that's seeded in some places. BLM uses what will grow. The current mix is circa 2001. Natives are extremely expensive and don't get established easily, but Mother Nature will take over. Look at four-wing, rice grass, rabbit brush and sage growing in the pipeline right-of-way along Hwy. 550 approaching Farmington.

Raye saw operators using the same pad for deep and shallow drilling to create less disturbance in the Las Cruces area where the RAC will be touring. Joel called them twin locations and said a lot of that is being done. Mike said there's a lot of twinning to drill the Fruitland Formation, but there are issues with compression and need for pump jacks. To get gas out of the ground in some areas it has to be compressed. Compression is cumulative. Compressors range from 40-1,000 horsepower, and are loud. A noise policy has been implemented as part of the RMP and that will be a big compliance issue.

UPDATE ON OTERO MESA

Amy Lueders, Las Cruces Field Office Manager

Amy provided maps and history on the RAC's involvement with Otero Mesa. BLM started scoping on this plan in 1998, published the draft RMP Amendment and EIS in November 2000, and extended the public comment period twice. RAC became involved in June 2001 and requested formal mediation on the planning effort. BLM hired a professional mediator who made an assessment and determined that mediation would not be successful because groups were so polarized. The RAC and BLM accepted her recommendation. Valuable results of the process include that BLM had a clear understanding of the concerns, and the RAC Energy Subcommittee came up with the recommendation to look at unitization as a way to address resource development conflicts.

Amy pointed out on the map approximately 1.4 million acres of federal minerals lands that will be opened with standard lease terms and conditions, approximately .5 million acres with controlled surface views, 41,000 acres with no surface occupancy and 83,000 closed to leasing. McGregor Range and White Sands Missile Range are not included in the plan. Most public comment focused on the Otero Mesa section of southern Otero County. BLM thought the Otero Mesa Chihuahuan grasslands warranted special protection, so new leases in that area will be limited to no more than 5% surface disturbance at any one time. If land on a lease were successfully reclaimed, it would be credited to the operator's 5%. The intention is to minimize disturbance in that area but also allow for reasonable foreseeable development. That would amount to 3 gas fields and 3 oil fields, adding up to approximately 140 wells drilled with projected short-term disturbance of 1,600 acres and long-term

disturbance of 862 acres. If all that were done, it would amount to less than 1% of Otero Mesa. But roads, pads and pipelines could be evenly distributed across the whole area. There has been little activity in that area yet and there is dissension in the industry about what or how much O&G is there.

There are limitations in reasonable foreseeable impact in terms of the NEPA analysis that is based on this level of impact. Once the level of disturbance planned for is exceeded, a new land use planning effort would be needed. And existing leases are not affected by the amendment. Jerry King from the NM Land Office said he didn't know exactly how much state land in that area might be involved, but his office is looking at what's out there and what's leased, and is working with BLM state office and FOs and lessees. BLM worked with the industry on what it foresaw as the level of development, and doubled the industry's estimate to reach the level analyzed. On state land there are currently no restrictions, but there are statutes, and about 1/3 of state land is leased out. BLM is estimated to oversee 2/3 of the whole area.

In addition to the 5% stipulation on grassland habitat, the other requirement recommended by the RAC is that those leases would have to join in an exploratory unit for special management purposes. The benefit of the exploratory unit is that a number of leases would act as one, with one operator as the single point of contact, and more orderly development. Unit boundaries are not yet defined. BLM will establish a working group of interested citizens to define what the boundaries should be, how many and other sideboards.

Is the 5% unitization an alternative to the RMP? BLM is about ready to print the proposed RMP Amendment and EIS, in which the 5% unitization is the preferred alternative. A no-drilling alternative was eliminated. Linda said the whole two-county area was already open to standard-term leasing based on a plan made in the 1980s and this amendment was undertaken because BLM recognized interest in leasing in the area and wanted protective stipulations in place.

There was confusion about 1% v. 5%. The 5% refers to disturbance on a lease, while 1% applies to the whole planning area. Otero Mesa proper is about 100,000 acres, and if applied this plan would mean up-to-1% total disturbance.

Raye said 5% is more applicable because that's the long-term ultimate control. Discussion continued. Mike said he was hearing that once land is leased there's no turning back. Amy said flexibility is limited. Are there options for dealing with leaseholders when, for example, land is identified as excellent habitat for the Aplomado falcon?

Mike expressed concern that within the context of the energy plan there will be more and more exploration and development and certain areas will be hit hard. It's all the more important to put aside other areas of the country for preservation and conservation. Public agencies are responsible for keeping some of this land for future generations. Amy said 86,000 acres are closed to leasing, plus two core areas of approximately 30,000 acres adjacent to McGregor Range that are withheld from leasing for five years while BLM analyzes impacts of O&G development in that habitat—considered the best grasslands on Otero Mesa. Leasing terms are 10 years, so there is potential for change with lease renewal. However, once a lease is productive, it is held by production, so only leases not held by production are renewed. Linda said if the industry requests renewal and it is denied, that land would be nominated to be leased at BLM's lease sale and BLM would look at reasons for changing status quo. Areas nominated for leasing are withheld all the time for environmental reasons. And there are areas of archaeological and cultural importance in that area that are not leased.

Amy pointed out areas on the map colored differently to show their status. Discussion continued. Within the two-county area of approximately 2.1 million acres, about 80,000 acres are currently under lease for 10 years unless held by production. Sally said she needed more clarity. Was the rationale for not considering a no-drilling alternative to be able to produce some sort of protective benefit? How many leases were there, and of what characterization and age—when that alternative was dropped? Amy said the amount of leasing that has occurred and the decision not to further analyze a no-

drill alternative are not related. The no-leasing alternative was not analyzed because of BLM regulations to look at least-restrictive measures to protect resources and provide for production. The plan discusses reasons for not analyzing all of the alternatives presented. When the RMP plan started BLM allowed companies to put leases into voluntary suspension that stopped the clock.

Sally asked whether regulations were in conflict with a no-drill alternative. Linda said by law BLM has to include a no-action alternative, but that would still have allowed for drilling unimpeded by anything other than standard stipulations on those 80,000 acres. The range of alternatives included ACECs, areas with stipulation for no-surface occupancy, but not a blanket no-drill policy. Raye said part of the reason for the RMP Amendment was that after a successful well was drilled, there were requests for 230,000 acres to be leased for drilling. The old plan had no provision for successful development.

Jim was concerned that there will be activity on roads outside that 5%. Amy said within the federal lease, new roads would be included in the total 5%. Jim said indirect impacts of noise and wildlife disturbance would extend over a much larger area than 5%. Raye said some types of development cause more disturbance than others, oil fields for example.

Amy said the paperwork is in the national BLM office for final approval. Once approved LCFO will publish the notice of availability in the Federal Register and mail out the proposed RMP Amendment and final EIS—probably by mid-December. At that point, a 60-day Governor's Consistency Review and 30-day protest period run concurrently. Then BLM will address protests, issue a public Record of Decision and 30 days later the RMP Amendment. Then leasing in accordance with new stipulations can take place.

Raye asked when the RAC subcommittee could take part. January might be too late. Notice needs to be published 90 days prior to the lease sale in June/July. Public meetings might be held in Alamogordo, where Otero County Commissioners and ranchers would respond. Linda asked whether the RAC was amenable to taking this on. There was not a quorum to make a motion, but there were no objections, so Tony said he would inform all members as the Energy Subcommittee made plans. Absent members might vote on a motion by phone. Linda affirmed that members of the public taking part in proposed meetings would not be disqualified from filing protests.

DISCUSSION OF PUBLIC COMMENT PERIOD

Should more be done to encourage public comment? BLM publishes a Federal Register notice and mails news releases to media. Hans could call reporters and work harder to get stories in papers, or place ads. Mike thought the more members of the public the better. Any mechanism that gets more people to RAC meetings brings a better vantage point for making decisions. Hans said Don Tripp agreed. Hans and his staff will make greater efforts. Newspaper and radio ads are effective. Give more notice. Theresa sends an announcement to a mailing list of interested persons and organizations. Minutes are also sent to a mailing list. Theresa will mail/email that list to RAC members. Generally there is a good response when agendas interest the public.

Concentrate on PSAs for local media, and expand the mailing list. Get feature stories on what the RAC is in local media. Urge representatives of Game & Fish and USFS, especially the Regional Forester, to attend. Game Commissioners would be helpful. RAC members & BLM will approach personal contacts in those organizations. Inform media and organizations about issues and agendas. Could flyers be distributed? Theresa sends flyers to FOs where meetings will be held. Tony recommended that RAC members send information to their own constituent mailing lists. *The Santa Fe New Mexican* newspaper announced the November RAC meeting on page C2, November 11—after the public comment period. Tony reiterated the RAC's desire to do whatever is needed to encourage public comment.

OVERVIEW OF THE VEGETATIVE MONITORING & ANALYSIS PILOT PROGRAM IN NM (Attachment 6)

Ed Roberson, BLM Roswell FO Manager

Ed introduced John Spain, Roswell FO Lead Range Specialist. RFO has monitoring data from years back upon which to base its grazing decisions, and has been considering how to integrate that data into the evaluation of public land health. Santa Fe hired a contractor that interacts daily with John as needed. The product they've put together is called the Vegetative Monitoring & Analysis Program (VMAP). It has allowed RFO to bring all its monitoring data into one program for analysis and sharing with users. BLM's Information Technology Board approved VMAP, and all FOs can access it via the statewide applications program. RFO has done additional training in this program in NM and AZ. All range staff will be trained to use it and there will be a manual. RFO will do a presentation in January for the Society of Range Management and national BLM range staff. The software package with data is complete. RFO is now looking at how to link it with other programs, like GIS and photo data, so they will be able to click a spot on a map and access data and pictures. It ties with the old Vegetative Inventory System.

VMAP looks at:

- vegetative production
- ground cover
- plant frequency density
- habitat
- disturbance
- fuels assessment
- reclamation
- links with Linda's *Legacy* program
- traditional range condition calculations
- similarity index
- 200 ecological sites
- soil conservation service & RCS mapping
- GRS soil maps
- NOAA precipitation data

VMAP supports and can incorporate rancher monitoring. It allows rangeland health assessments and evaluation of forage yields, etc., and provides a series of statistical reports looking at trends over time. It has graphics, can summarize and export. Users can tab to and provide data for a site-specific plant subsystem of 30,000 NM species. Staff can do a watershed analysis, enter data, and by the next day management can see what was found. The rangeland health subsystem has local indicators tied to standards, e.g., are gullies and rills forming out there? What's the plant frequency? Data will be fed back in to determine whether rangeland health standards are being met and if not, why not.

Allotment evaluation lets the FO look at different stocking methods and rates. John Spain can modify information. The tables can be connected to outside databases. Connect with VMAP reports on the RFO website. It speeds up data crunching and report writing. Ed demonstrated with photos of the same site from 1980-2001. VMAP can produce end products like vegetative production and range condition trends over time. It rates different aspects of what's on the ground to indicate where problems lie. It provides consistent results, allowing everyone to process the same data with the same methodology. Graphics make it easier to understand what's going on. It enhances the 4 Cs. Bob Alexander is the NMSO contact and John Spain is the FO contact.

Question/Answer/Comment

- Every NM BLM FO has access to VMAP.
- Monitoring data is involved for about 5,800 sites statewide. Roswell, Carlsbad, Las Cruces, Socorro, Farmington and Taos FOs have all entered some data.
- Roswell has about 1,100 sites, about 375 non-permanent.

- RFO has been doing GPS mapping. At the last O&G Working Committee meeting, there was a presentation alerting the industry to look for stakes and ask about monitoring sites in areas they're working in.
- All RFO staff are being trained in VMAP so they can enter data, hopefully soon in the field.
- Is the data being collected helping? Is it the correct data? John Spain thinks so. It incorporates numerous monitors and methods.
- Staff learned a great deal from past methodology, including data collected erroneously for 25 years in the past. It was calculated wrongly, for example, calculating vegetation based on a percent composition after throwing down a hoop. They did composition by species based on 500# instead of basing it on expected normal production for sites. It was an analysis problem shared by every agency using range condition methods of the time. BLM went back prior to 1977 to ascertain bases. And because they know the analysis method, they can now factor that in and use those 25 years of data.
- Staff and RAC members discussed specific types of analysis.

FEEDBACK FROM NEW RAC MEMBERS

- Meade asked whether different topics indicate kinds of problems that need resolution, and whether the RAC deals with every issue.
- Tony said, as a committee the RAC prioritizes and decides which issues to take on. RAC brings some things up and also asks FO directors and Linda to let them know what they need to know about, e.g., the planning process. It's a process of learning what BLM is doing.
- New members were invited to join the Energy, Range or Access subcommittees meeting that evening.
- Crestina remarked that public comment was also incorporated into RAC and staff considerations.
- Mickey said he's learned a lot.
- Bob said he had heard about issues like these and ignored them, but now has to pay attention. The scale is larger than he's faced in the past.
- Jim thought they would be overwhelmed quickly.
- Tony said that's why the RAC chooses. Staff encourages RAC participation and responds to requests, even for general information. Call your FO director and ask. If nothing else, RAC is a forum for bringing up issues and exchanging ideas.
- Raye added that the RAC has to be doing something to help BLM in return for the commitment of staff time and resources.
- Crestina said the RAC asked the state director and FO managers what they want the RAC to do for them. In response, e.g., Amy suggested a subcommittee to hold public meetings on Otero Mesa.
- So that RAC members might attend more than one subcommittee meeting, Raye asked that the Energy Subcommittee at the next RAC meeting convene after the Public Comment Period. That will be published in the Federal Register. Members agreed to continue Public Comment on Wednesday nights before RAC meetings.

Times and locations of subcommittee meetings were announced. Members recessed for the day at 3:55 p.m.

NOVEMBER 14 RAC MEETING

Tony reconvened the meeting at 8 a.m.

AGENDA REVIEW

The RAC Energy Subcommittee was asked to take care of details on Otero Mesa additional public comment proposed by Raye Miller. The subcommittee will gather a working group to attend to issues like unitization as the new RMP is developed, and consideration of Baca Act rules. Tony recommended assigning the Energy Subcommittee to bring recommendations to RAC to be voted upon and given to BLM. He asked for consensus that that was appropriate. The RAC approved.

RAC members need to chair the proposed public meetings. Raye is a member, and Tony will take part. Jim Bailey said people talk about different areas without identifying them specifically, so it would be good for BLM to produce flyers with maps showing what restrictions refer to what areas. Tony will request maps with areas outlined for the next RAC meeting. Amy said a Communication Plan has been discussed to address confusion.

O&G contamination of water quality is also a concern and could be pointed out on a map.

Raye suggested setting dates immediately for subcommittee meetings so they can be published in the Federal Register. Conservation organizations, OCD, the State Land Office and many others will want to be involved. Meetings may draw many people. Raye thought 4-5 meetings might be needed—the first educational, the second to set sideboards, and the following to attend to details. As they formulate plans the subcommittee will notify RAC members and interested parties, and limit discussion to set topics. He thought a concise but encompassing document should result.

It was recommended that there be a chair but not a facilitator at meetings. The chair will keep discussion within narrow bounds. Linda recommended that the subcommittee either make a best guess on topics for certain dates in order to submit a comprehensive application for Federal Register Notice, or use nonspecific wording so as not to be tied to certain topics at a certain time. At the first meeting, the chair will state that discussion is to be based on how this plan might best be managed, working toward implementing what the RMP calls for in the most agreeable way for all concerned.

Question/Answer/Comment

- Is public comment part of working group meetings? Theresa will check. It could be called a workshop. The Charter does not delineate what can be done.
- Raye will send a personal invitation to known interested parties, and will send notes on the meetings to all RAC members. Meetings will probably take 1 1/2-2 days. This is another opportunity for the RAC to bring groups together to reach consensus.
- Has the RAC gone on record as supporting the RMP? It is not RAC's role to support or not-support. This subcommittee plan indicates de facto support.
- Amy asked how many units, boundaries of units and sideboards of units are involved.
- The final EIS will be issued soon, and opposition is anticipated, followed by a Record of Decision. The units need to be described before put up for bid. Whether we like it or not, we look at law, regulations, policy, needs of the nation and public response.
- The RAC did recommend that BLM look at unitization in conjunction with 5%.
- Is there an option to set aside some chunks of, for example, grassland ecosystem? No. Unitization condenses and reduces infrastructure, but can be dispersed over the whole area.
- The RAC will look at whether it is best to have one huge unit or divide into several smaller ones.
- It is unknown how that will affect this ecosystem.
- There is an area that can be developed, and how it is developed will be what's under discussion. Development might concentrate rather than disperse. This process is unique because BLM has never gone in and said what the units will be—that's been done by the O&G industry.
- BLM staff will take part in the meetings. No chair has been decided. NOCD can explain its role, then BLM.

BLM/NEW MEXICO ASSOCIATION OF COUNTIES LIAISON ROLE

Joyce Fierro, BLM Special Assistant for Intergovernmental Partnerships

Linda introduced Joyce Fierro, 27-year BLM veteran on special assignment as Liaison to the NM Association of Counties—the first formal agreement of this kind that BLM has entered into. Their MOU establishes a framework for working in collaboration and opening lines of communication. She will be housed in NMAC offices. NMAC is an umbrella organization that works with many partners, including elected officials and employees of county government. NMAC is a united governing body that represents interests of all 33 NM counties

BLM and NMAC have also agreed to approach other federal agencies to make similar plans promoting cooperation. The partners will determine after one year whether to continue the association. Joyce has worked with partnerships broadly in the past; and with NMAC will work to facilitate BLM, county and tribal cooperation in implementing land management policies, and encourage dialogue with federal and tribal entities.

Joyce will explore additional opportunities for training, education programs, cooperation in land and resource management practices, access management and interagency staff assignments and exchange. Her role will include identifying projects for resource stewardship, encouraging dialogue and moderating influence on counties and BLM FOs, and coordinating training workshops with counties. She said a work session in Albuquerque December 17 would invite counties to become cooperating partners with BLM.

Question/Answer/Comment

- Under FLPMA, a cooperator with federal government has authority to work with other agencies as cooperators in planning the future of public lands. That tool hasn't been broadly used, but is helpful in bringing resources to the table that neither partner has alone. Counties bring talent, knowledge, and experience that BLM staff may not have.
- The Association of Counties is not making decisions, just facilitating information sharing.
- The BLM NEPA planning process is cumbersome and makes it difficult to get the public involved. This is a tool—bringing FOs, counties and the USFS together with open lines of communication to benefit all. BLM will also learn county planning schedules and priorities, and there will be personal connections between counties and FOs.

Joyce hopes that they can all work with BLM FOs to develop mutual understanding of fire season assessment and planning needs. She will also confer with NMAC to identify community-based projects and opportunities for stewardship contracts and economic development related to healthy watersheds and forests. This liaison is intended to create stronger alliances among NMAC and its partners, including the NM Municipal League and state agencies—with BLM and its partners, including USFS, NPS, F&WS.

There are educational opportunities to work with BLM FOs, individual rural counties and others—the NM Tourism Department, for example, with which BLM has information and statistics to share. And there will be opportunity for determining alternative funding sources, including additional grant opportunities. Joyce will coordinate grant writing workshops and resources, tools, templates and funding sources. She worked in the BLM Washington Office for several months developing national partnership strategy for working together to leverage and maximize resources.

Concerning maps & data sharing, NMAC is currently working with Northern Arizona University to develop a landscape-scale perspective for fire fighting. They have applied for a grant to the *Forest Trust* for Rio Arriba, Santa Fe and Taos counties. The BIA, pueblos and counties are involved and USFS and BLM are working together. Joyce plans to encourage dialogue and create interest among other federal agencies to partner with NMAC, and to explore specific areas of mutual benefit.

Question/Answer/Comment

- Has Joyce worked with NM Council of Governments (COGs)? She will if given names and numbers. NMAC has a grant writer consultant who's not been used much. Many counties are interested in grants for road maintenance. There are some funding opportunities for GIS, etc., that no one applied for because they didn't know about them. She hopes to facilitate gathering information in a central place.
- There is positive spin-off from these kinds of agreements. Socorro has an MOU with Catron County, so BLM goes to all its meetings; has an agreement with Socorro County; and is working with Zuni Salt Lake on an informational agreement.
- An area of mutual concern and another good place to work together concerns declining wildlife. The flip side is the increasing endangered species list and complications of that.

RANGE REPORT

John Hand

Bob Moquino volunteered to serve on the Range Subcommittee with Crestina and John.

John hoped to see watershed work done in Santa Fe; and road right-of-way clearance—thinning trees to keep wildlife from jumping out in front of cars, and chipping trees. He is very interested in a project on uses of mechanical thinning. Does that affect cultural sites? He would like to see examples of different types. Mechanical thinning was done in Ft. Stanton with a machine that has a small footprint and does not cause a great deal of disturbance. That approach is more acceptable than fire and chemical thinning. John would participate in costs for a project done on his permit.

Ron said BLM is partnering with NRCS and other federal agencies for equipment funding, and that is a priority. Theoretically, mechanical thinning can be done on public land. Agencies are getting more efficient at using fire dollars to apply funds to such projects.

Question/Answer/Comment

- The public comment period on stewardship contracting closed November 10, and the NM RAC is the only one that forwarded even semi-positive comments to Washington, so this may die a quiet death.
- BLM is at a standstill in stewardship contracting because it has not been able to get approval on projects at the national level. USFS is doing this, but there is general unease about it, so the DOI Secretary's office is being careful. Some thought it was an excuse to let timber companies have free reign. NM is finding other ways to proceed with getting the work done.
- Should RAC write a letter requesting that the program either be put forward or flushed? Linda will consider whether that's appropriate.
- Jim Norwick, NM State Land Office Public Land Resources Assistant Director, said the Land Commissioner has taken a fairly aggressive approach. They have been doing pinon/juniper thinning, with some mechanical thinning on state lands. His office is very interested in partnerships. They have undertaken mechanical pinon/juniper removal near Ruidoso and south of Capitan on state trust lands adjacent to BLM land. The Land Office has a good system for archaeological clearances—working with the Museum of NM's Contract Archaeology Services. He would be happy to partner with BLM in areas where thinning is needed. They have some grants and land maintenance funds to do forest thinning, and some lessees have other funds.

- Tony welcomed Jim, and invited him to attend future RAC meetings and establish a continuing relationship.

UPDATE ON OTHER STATES' RACS

Crestina Trujillo Armstrong

Crestina has not heard from other RACs since the last NM RAC meeting. It is a time of transition. The Weed Initiative was discussed at the April 2003 National RAC Chair Meeting Crestina attended, with presentations and a great deal of material. BLM National RAC Coordinator Gina Ramos gave a slide show at that meeting but there was no time for discussion. USDA and USFS are working with BLM cooperatively to address weeds, and extending out to counties, cities, tribes, land offices and volunteer groups looking at herbicides. Some entities are hand pulling weeds. Montana State University at Bozeman is working with mites, beetles and other biological approaches. The UNM Alcalde branch is using mites on experimental plots of bindweed. The mites are available free to others. Taos County has a moratorium on herbicides because of complaints that residents are chemically sensitive. Goats have been used in Taos County. Goats have kept Crestina's ranch weed-free, but taking them to feed along stretches of highway isn't sensible because the weeds come back. Montana State has a website addressing noxious weeds.

A memo came from National RAC Coordinator Twinkle Thompson as follow-up from the April RAC Chair Meeting, asking for feedback on what RACs are doing. The NM RAC has discussed weeds at approximately every 3rd meeting, but never made recommendations. Would members like to pursue this?

Question/Answer/Comment

- The noxious weeds issue is becoming more prominent.
- Ed said *Partners Against Weeds*' implementation strategy has been the BLM approach for about five years. It could use more funds and greater focus. But *Partners* reached out to collaborators like counties to do the work. This has been successful, despite concerns about northern border and O&G land. RAC could help by affirming that they continue that partnership.
- Tony asked for an inventory at the next RAC meeting of what is being done about noxious weeds, and recommendation on what role the RAC might take.
- Hay, which brings seeds, is coming into NM from surrounding states and gaining a foothold.
- Some weeds, like cheat grass, are thriving under drought conditions.
- A CA RAC came up with a *Johnny Horizon*-type approach with school children to precipitate volunteers.
- What are the laws and policies on importation of weeds? Crestina will bring it up with the Farm Bureau State Convention Priority Issues Committee. She thought they might have set policy.
- How do they test for wheat seed? Fields are certified before baled.
- As a stopgap measure, BLM is updating grazing regulations to give regulatory authority to prevent spread of noxious weeds from hay on public land.
- The dairy industry is cost-sensitive and might object. They lobby heavily.
- How do we define weed? USDA has a list of noxious weeds. But something native to OK may not be considered a weed here.
- Farmington has a specific list, which other FOs might do. Spread of noxious weeds has significant economic impact.
- FOs are slowly building strategies. Roswell FO enters weeds in its GPS system. Other state and federal agencies have lists. Lincoln and Carlsbad publish newspaper inserts to alert the public—aggressively educating, cooperating and treating. Roswell FO wants to do a training program, and would provide herbicide. FOs will bring their materials to the next RAC meeting.

- Soil & Conservation Districts have booklets available from extension offices that are updated twice yearly.

RESPONSE TO REQUEST FOR FEEDBACK ON NATIONAL RAC WORKING LIST

National RAC Coordinator Twinkle Thompson wanted a report by November 10th. Tony will contact her. The handout mailed to RAC members highlights national-level issues. Twinkle wanted to know what NM RAC wants to support, and what should be continued or stopped. Tony was upset that her request had not been sent to Linda or the FOs. He read the list of issues, which included renewable energy and healthy forests. It's a list of projects underway that Jesse said Twinkle extracted from FY04/FY05 BLM bureau-level initiatives.

Question/Answer/Comment

- HFI should be emphasized.
- We don't know enough about specifics to comment.
- Cultural resources need big-picture description.
- Jesse suggested that regardless of what's on the sheet, it would be helpful to forward pressing issues pertinent to NM, and where RAC thinks attention should be focused.
- Discussion continued on whether and how to respond to the list. The RAC didn't want to appear to agree by not commenting. These are broad nonspecific concepts. Even coming up with recommended issues would take more time.
- Linda suggested that the RAC provide input on important issues like this prior to the next FY budget.
- The RAC agreed for Tony to write a letter saying they had no comment, but would comment on future budget considerations.
- The most valuable thing the RAC could do is to help identify and plan future projects. BLM will provide RAC members with a presentation on projects that are being considered for future budgets. It was agreed to put that on the agenda for meeting after next.

REQUEST FOR ASSISTANCE

Lorenzo Valdez, Rio Arriba County Manager

Mr. Valdez said he spoke to the RAC at Max Cordova's insistence. Rio Arriba County has a controversial project underway—the application for a landfill. The county spent \$400,000 for three years of review. A site was chosen, and an application submitted. Upon BLM review, the county was told to present alternatives. They might spend several more years of planning and nearly half a million dollars with no guarantee of acceptance. A lot of other important things could have been done with that time and money.

RACs need to look at that process and forward feedback, specifically about local governments seeking places to do what's in the public interest. Rio Arriba County is finally getting to the point where it can sit with the USFS and BLM to talk about, "our problems." For example, there are 50 barrels of something leaking behind Espanola HS; and refrigerators dumped on BLM land.

BLM may have to forgive or suspend some of the fees involved in the process to find a landfill site. The last BLM director told the county the application would cost \$90,000, and that has been reduced to \$75,000. The process is now at 18-20 months, and expected to take 30 months to complete. A contractor is preparing the EIS. Twenty sites were originally assessed and the county narrowed those to one; then had to open to alternative sites again to comply with BLM process.

Mike said the contractor is responsible for evaluating alternatives, but there is a difference between true alternatives and those that were eliminated for good reason. Is the contractor identifying ways to work with NEPA process and Taos FO?

Mr. Valdez said the public thinks the county needs to re-open discussion on all sites. He has about 50 freedom of information requests. For a while Rio Arriba County joined with Los Alamos County and got a DOE grant. They desperately need a site. The community cleans illegal dumpsites regularly, some on BLM land. It needs partnerships to seek resources.

Meanwhile the county is looking at preserving 200 acres along Ojo Caliente Creek that includes petroglyphs in the Black Mesa escarpment, the only remaining undisturbed land along that creek. Only 30% of Rio Arriba County is privately owned. Sewage is affecting water quality. They are working on an exchange to bring 1,800 acres under county ownership so growth can be well planned. Most growth is now on formerly irrigated lands, so acequias are in jeopardy. The water table ranges from 5'-30'. The county is looking at barriers, and changed a county ordinance to address building on agricultural lands. Cemeteries are full. There's a proposal to Congress to transfer ownership to the county of a 150-acre plot with 22 acres set aside as a cemetery.

The county got a grant to replace an existing water tank with a larger one, and BLM asked for an EIS. Is there a way that local governments can work with BLM to use strategic necessary areas for services; protect valuable assets like water rights, acequias and irrigated lands; and reduce costs?

Question/Answer/Comment

- Rio Arriba County is working with the *Trust for Public Land*. They want to use this process to protect other valuable assets, like water quality.
- Jon said we need to figure out when to initiate agreements to work together. BLM should have worked with the county from the beginning—knowing that likely sites would probably be on BLM land. Then everyone would have been ahead of the game. All need to incorporate this lesson so that no other community or FO goes through this.
- Taos FO has accelerated development of its new RMP partly because of this issue—looking at which lands should be preserved and which used for public benefit.
- Senator Domenici requested that for every acre of privatized land another be set aside for the public.
- Mr. Valdez suggests that this site be set aside for land exchange, probably as a 400-500 acre section.
- The Alcalde Congressional Proposal for a water tank is at the EA level.
- Tony thanked Mr. Valdez for providing insight into these problems. Joyce's liaison was mentioned. The RAC has been addressing the issues he brought up and even if no recommendation is made, discussion will help. Mr. Valdez said he'd be very involved in the new RMP process.
- Who pays for NEPA requirements depends on the scope of the project. BLM does small projects in-house but large ones would take years, so they are contracted.
- Are there ways that BLM could help counties facing similar problems?
- Starting with the possibility of using a BLM site would have made a difference. Their criteria may have been different from the needs of NEPA. An EIS takes 2-3 years, so BLM is trying to do an expedited NEPA process. If the process is not followed, they will be successfully litigated against.
- Discussion continued. Overall, RAC members think BLM is improving its outreach to communities and state and local governments—leading to better results in future. Mr. Valdez' appearance to talk to the RAC was considered a very positive sign.

PLANNING FOR NEXT MEETING

The next RAC meeting was tentatively set for February 25-27 or March 3-5, 2004 in Carlsbad.

Proposed Agenda Items

- Energy Committee Otero Mesa results—2 1/2 hours
- Access issues report, next stages
- Comprehensive update on weeds from BLM staff including ...Decker

- Legacy problems with O&G
- BLM Director's update
- Carlsbad area archaeological protection process and procedures in O&G areas
- State archaeology initiative to enhance quality of onsite archaeology work in Southeast NM, including analysis of geomorphology of that area—especially using sand sheets as a tool so site condition can be assessed for inventory in a way that saves time, money and natural resources.
- O&G industry has provided a grant for a GIS database of sites in the Carlsbad area—including Hobbs and Otero Mesa. Potential for numerous benefits including avoiding mitigation.
- Birthday party for Crestina
- Wednesday evening public comment

Future Agenda Items

- Land disposal
- Projects under consideration for future BLM budgets

CLOSING

- Theresa was asked to look in past minutes for wording on the formal recommendation made by the RAC to talk about unitization in the Otero Mesa controversy. Members thought it had been suggested but not formally recommended.
- Tony wants remaining FOs to provide access information.
- Amy Lueders was thanked for her cooperation with the RAC, and wished good luck in the future.

The meeting adjourned at noon.
